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WASHINGTON, D.C.
HONG KONG
SINGAPORE

October 16, 1996

Mr. James L. Nolan
Director, Compliance Division
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500
Seattle, Washington 98101

Re: Ash Grove Cement, Notice and Order of Civil Penalty No. 8420

Dear Jim:

Following up on my conversation with Laurie Halvorson this morning, I am writing on behalf of Ash Grove Cement to request "mitigation" of the above-referenced civil penalty assessment. Order No. 8420 assesses a \$6000 civil penalty for violation of Condition 5 in Order of Approval No. 5730. Ash Grove urges PSAPCA to withdraw Order No. 8420, on grounds that the violation cited therein did not occur. Attached to this letter is a copy of Jerry Brown's letter of August 16 to Elizabeth Gilpin. It explains why no violation occurred. My purpose in writing is to provide some background information on how the grain loading limit and monitoring methods in Condition 5 were developed. I hope that this information will assist PSAPCA and Ash Grove in reaching a consensus on how to measure compliance with the requirements of Condition 5.

In the autumn of 1994 PSAPCA asked several of its industrial PM-10 sources to accept enforceable limitations on PM-10 emissions, so that PSAPCA could demonstrate to EPA that the numbers in its stationary source PM-10 inventory were federally enforceable. At that time there were federally enforceable limits in place for Ash Grove's main stack, but none (other than the SIP grain loading limit) for about 55 smaller baghouses at the Seattle plant. Jay Willenberg suggested that a facility equipped with a well maintained baghouse should be able to meet a .005 gr/dscf, 24 hour average, grain loading limit. Ash Grove indicated its willingness to assume such a limit if that would help PSAPCA make an attainment demonstration to EPA. Ash Grove expressed great concern, however, that Title V would force Ash Grove to monitor compliance with a .005 grain loading limit at 55 small baghouses. PSAPCA and Ash Grove negotiated the following language to meet Ash Grove's concern:

Ash Grove may demonstrate compliance with this condition by any of the following:

Mr. Jim Nolan
October 16, 1996
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- A. Performing a PSAPCA approved source test according to EPA Method 5 or EPA Method 201A.
- B. Demonstrating no visible emissions for 15 consecutive seconds.
- C. Demonstrating no visible emissions for three consecutive minutes, or
- D. Repairing within 24 hours, any baghouse that has visible emissions for more than three consecutive minutes.

Compliance shall be determined for visible emissions using EPA Method 22. PSAPCA may require a source test for any baghouse that has sustained visible emissions, unless such emissions are unavoidable under WAC 173-400-107.

Methods A through D were included to provide quick and inexpensive methods for Ash Grove to certify compliance with the grain loading limit at sixty small baghouses. Like many Title V monitor methods, these four do not provide a legally sufficient basis for a determination that an emission unit is out of compliance. That much should be obvious: a 15 second opacity reading cannot be used to show that a unit exceeded a 24 hour average grain loading limit. The function of the 15 second reading is to provide a screen for identifying those units that may require a source test. That is why the last sentence of Condition 5 declares that "PSAPCA may require a source test for any baghouse that has sustained visible emissions . . ."

Ash Grove believes that on July 12 Elizabeth Gilpin took a Method 22 visible emissions reading of mill sweep #2 baghouse. The company does not know how long Ms. Gilpin observed the stack. On the basis of that observation she issued NOV # 36903, alleging a violation of Condition 5. On the same day, shortly after Ms. Gilpin's observation, Production Superintendent Bob Morey inspected the baghouse. He saw no visible emissions, but he did see some deterioration in the condition of the bags. On July 16 and 17 Ash Grove replaced 400 bags in the mill sweep #2 baghouse. Ash Grove's maintenance work was not inspired by the issuance of an NOV, because PSAPCA did not issue NOV 36903 until August 12.


Ash Grove interprets Condition 5 of Order No. 5730 to require that a finding of non-compliance must be based on a Method 5 or 201A source test. Methods A through D were included to give Ash Grove relatively inexpensive methods to meet Title V monitoring obligations, and to implement PSAPCA's "see it and fix it" policy. Ash Grove would not voluntarily have assumed stringent grain loading limits on 55 small emission units if the company thought that a violation could be based on a 15 second opacity reading. We do not believe PSAPCA viewed the matter any differently when Condition 5 was developed.

Ash Grove believes Ms. Gilpin acted properly in flagging a potential compliance problem, but that her short opacity observation does not form the basis for a notice of violation. Ash Grove believes that PSAPCA's "see it and fix it" policy worked well in this instance. We hope that PSAPCA concurs with our interpretation of Condition No. 5, and that the agency will consider withdrawal of Order No. 8420.

Mr. Jim Nolan
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Page 3

Thanks for your consideration of this request.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Matthew Cohen', with a large, sweeping flourish extending from the end of the signature.

Matthew Cohen

cc: Laurie Halvorson
Henrik Voldbaek
~~John Brown~~
Eileen Sollars

I:\MXC\AL103E44.WP

PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. 1371603878

NOTICE OF VIOLATION

RECEIVED
No. **36903**

95 JUL 10 PM 12:21 *ju*

Date of Violation: July 12 1996 at 3:50 pm

Name <u>Ash Grove Cement Co.</u>		Responsible Person, Title <u>Henrik Voldbaek Plant Manager</u>	
Location of Violation (Address) <u>3801 E Marginal Way So.</u>	City <u>Seattle</u>	Zip <u>98134</u>	County <u>King</u>
Mailing Address <u>as above</u>	City, State <u>Seattle, WA.</u>	Zip <u>98134</u>	P <u>6</u>

DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION _____ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY

- ☐ Section 5.05(c) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a s
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exha
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☒ Failure to meet Order of Approval No. 5730 Condition No. 5

☐ Section _____

☐ Section _____

Date	8/13	From	Co. A.C.C.	Phone #	Fax # 477-0849
Post-it Fax Note	7671	To	Matt Cohen	Co./Dept.	Heller Brown
				Phone #	

FACTS ALLEGED TO CONSTITUTE A VIOLATION Continuous visible emissions at 5% opacity from the exhaust stack of the Mill Sweep #2 baghouse (Ash Grove equipment # 641.301). Problem initially documented on 6/19/96.

CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Issued By:

[Signature]
Air Pollution Inspector

Form No. 70-119 (Revised 12/93 cbo)

Date/Time

8/10/96

Received By:

Signing this Notice is not an admission of guilt

AGCS2M001206

ASH GROVE CEMENT COMPANY

HELLER EHRMAN

96 OCT -8 AM 11:57

"WESTERN REGION"

HELLER EHRMAN
WHITE & MCAULIFFE

August 16, 1996

Ms. Elizabeth Gilpin
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500 Seattle, WA. 98101-2038

Re: Notice of Violation No. 36903

Dear Ms. Gilpin:

The above NOV requires a response stating the corrective actions taken to achieve compliance.

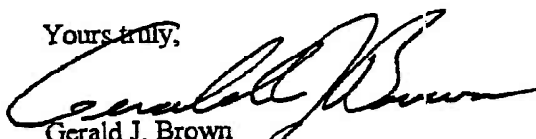
Ash Grove does not agree that a violation of Order of Approval No. 5730, Condition No. 5 occurred on July 12, 1996 as stated in the above Notice of Violation. Condition No. 5 requires that PM-10 emission do not exceed 0.005 grains /dscf over a twenty four hour period. Any determination of non-compliance must be based upon a source test performed in accordance with EPA methods 5 or 201A. Given the cost and difficulty of performing a source test, PSAPCA provided three alternate methods in the order by which Ash Grove may demonstrate compliance for purposes of Title V. One of these methods is to repair within 24 hours, any baghouse that has visible emissions. Our records indicate that the #2 mill sweep baghouse was examined on July 12 by Mr. Bob Morey, Production Superintendent immediately after discovery. Following the system check, Mr. Morey reported that he could not see any visible emissions. Additionally, records show that the dust collector was examined for operational and visible emission by both production and maintenance personnel on five separate occasions between June 13 and July 12 with no problems detected.

On July 16 after routine examination of the baghouse bags an decision was made to change out the entire compartment. Therefore, on July 16 and 17, 400 bags were replaced. The bag house continues to be in compliance.

If PSAPCA believes Ash Grove violated Condition 5 on July 12, we request copies of all source test data, visible emission worksheets or other evidence supporting that conclusion.

Please let me know if you have any further question.

Yours truly,


Gerald J. Brown
Manager Safety and Environment

Copy: Henrik Voldbaek
Nate Fernow
Doug Hale

Post-it™ Fax Note	7671	Date	10/18	# of pages	1
To	Matt Cohen	From	G. J. Brown		
Co./Dept	Heller Ehrman	Co.	DEC		
Phone #		Phone #			
Fax #		Fax #			

19-96

Due to high opacity spike coming from module #6 had no other choice, but to change out, ~~the module~~
~~the module~~

6-20-96 Today high spikes coming from module #6 went in and inspected found that over 60% of the bags had collapse, from anti collapse ring changed, went in and changed out 20 bags and plugged off another 20-30 tubes vacuum out module and placed equipment back on line.

6-21-96 Today performed operation check on Group I and II & K found no mechanical problems, check mainhouse, Differential pressure was high, performed operation check found no mechanical problem, then later on that day opacity spike was occurring due to the raw mill coming down and starting up, high air flow caused high opacity while it eventually settle down

6-22-96 Today performed operation check of the mainhouse and checked for any mechanical problems found none also took daily readings on the house and

6/24/96
1AD
performed a per...
General Mill W/C found no
deficiencies during operation, did not
perform P.M. Due to equipment
running.

6-25-96 Today checked all of the transfer
tower W/C for plug hops-2
Brokers Betts and plugged food
linea found none, also assisted
Roger in belt wrapper changeout
performed inventory on the
pet pulse W/C cage total of
95 spent remainder of the day on
administration.

6-26-96 Today the rest of the BFA
filter arrived a total of 505
Baga assisted Chuck in
moving filters over to the
north warehouse also moved
120 filters over underneath
the main warehouse for module
#2 changeout starting tomorrow
over Friday. spent remainder
of the day setting up for
changeout.

6-27-96 Today started changeout by
removing 100 filters that had
collapse from the anti collapse
ring, vacuum out the module
and hung new filters and

6-28-96 Today came in and re-sensored
the filters for module #2 of
the mainbaghouse, attended the
maintenance meeting for one hr.
Pre-Coated filters around 10:30
To 12:00 placed modules completely
Back on line around 12:30

6-29-96 Today dropped old 120 filters
in module #8 vacuum compartment
and installed 120 new filters BFI
and placed on shelves & back on line

6-30-96 Today Tension Bags in module
#8 vacuum out compartment and
precoated filters and placed
back on line.

7-1-96 Today performed operation
check of the mainbaghouse checked
equipment saw minor capacity
issues occurred due to raw
mill start up and module #4
was not clearing, corrected problem
also performed operation check
of the ~~mainbaghouse~~ Finish Mill
O/C, inspected exterior and mechanical
parts found no problems also
checked the exterior.

7-2-96 Today changed out compartment #5
of the mainbaghouse with menardi
filters total of 120 bags a total

To Mike Ralls

On Friday the 12th at 5⁰⁰pm I was asked to check out Fm#2 Mill sweep dust collector by Jerry Brown. I checked damper position, Dp, pulse valves and the screw conveyor. No problems found. Nor could I see any visible emissions.

Robert Moway

PRIORITY	% COMPLT	WORK ORDER #	BRIEF DESCRIPTION OF WORK TO BE PERFORMED	SID	TM	WILLIE	BILL	DALLAS	ROGER	TOTAL
			PM Mech							
			PM Elect							
			PM Lube							
			Assist Lube							
			Lube Route	3		6				
			Kiln Survey			1				
			PM D/C							
			Kiln B/H & F/M Sweep D/C							
			R/M & Raw Materials/Additives Area							
			F/M #1, G-Cooler, Cal Bin, Blending							
			F/M #2, SST, Clinker Shed							
			Packhouse, Gp I, Gp II, COAL							
			Rebag Fm 2 Sweep	4	1				4	
			Clean up Fm 2 Sg D/C from yesterday							
			Conveyors							
			Additives to 331, 152, 155, 163, 212, 461 Belts							
			331 to R/M, L.S., 151, 161, 163, Rail Unload							
			Barge Unload, 151, 800, FM1, FM2							
			471- 475, 531							
			Safety & Administrative meetings	1	1	1			1	
RM1.IFD				TOTAL HOURS						

PRIORITY	% COMPLT	WORK ORDER #	BRIEF DESCRIPTION OF WORK TO BE PERFORMED	SID	TIM	WILLIE	BILL	DALLAS	ROGER	TOTAL
PM Mech										
PM Elect			Rpl Buncher Fm 2 main mtr							
PM Lube										
Assist Lube			Lube Route			17				
			Kiln Survey			11				
PM D/C			Kiln B/H & F/M Sweep D/C							
			R/M & Raw Materials/Additives Area							
			F/M #1, G-Cooler, Cal Bin, Blending							
			F/M #2, SST, Clinker Shed							
			Packhouse, Gp I, Gp II, COAL							
			Rpl Bags Fm 2 Sep D/C	18					18	
			T/S Fm 2 SWEEP D/C		18					
Conveyors:			Additives to 331, 152, 155, 163, 212, 461 Belts							
			331 to R/M, L.S., 151, 161, 163, Rail Unload							
			Barge Unload, 151, 800, FM1, FM2							
			471- 475, 531							
			Safety & Adminstrative meetings							
RM1.IFD			TOTAL HOURS							

7-10-96

PAPER WORK

7-11-96

MONTHLY FK PUMP INSPECTION

7-12-96

SAFETY MEETING

DEPARTMENT MEETING

WEEKLY COOLING WATER INSPECTION

WEEKLY RECLAIMER INSPECTION

WEEKLY COAL MILLS INSPECTION

WEEKLY SLYASH SYSTEM INSPECTION

7-15-96

INSPECTED COAL TRAILS D/C (KNOES IN WALLS)

REMOVED PREHEATER SAN CLUTCH

7-16-96

REPLACE BAD BAGS IN SEPARATOR D/C (14) FM 2

7-17

HELPED TIM CHANGE BAGS IN MILL SWEEP

D/C F.M. 2

7-18

INSPECTED MILL SWEEP D/C F.M. 1

CLEAN OLD D/C BAGS

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

August 16, 1996

Ms. Elizabeth Gilpin
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500 Seattle, WA. 98101-2038

Post-It™ Fax Note 7671

Date	10/8	# of pages	1
To	Matt Cohen	From	G. J. Brown
Co./Dept	Heller-Elman	Co.	BCC
Phone #		Phone #	
Fax #		Fax #	

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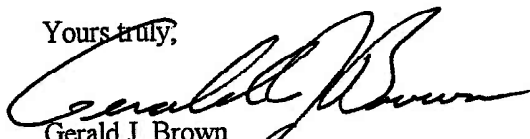
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Please let me know if you have any further question.

Yours truly,


Gerald J. Brown
Manager Safety and Environment

Copy: Henrik Voldbaek
Nate Fernow
Doug Hale

a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Henrik Voldbaek, Plant Manager
3801 East Marginal Way South
Seattle, Washington 98134-1147

NO. 8420

NOTICE AND ORDER OF
CANCELATION OF CIVIL PENALTY

You are hereby notified that Notice and Order of Civil Penalty No. 8420, which was issued by Certified Mail No. Z 704 779 470, and was dated September 20, 1996, is canceled.

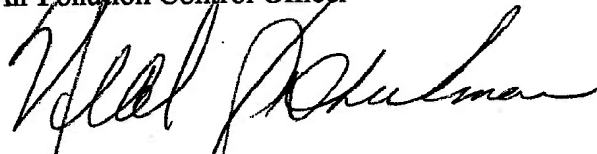
Dated this 1st day of November 1996.

RECEIVED

NOV 04 1996

AGCW-SEATTLE

Dennis J. McLerran
Air Pollution Control Officer



by Neal J. Shulman
Manager - Inspection